

Andrew J. Kahn AZ. Bar #15835
Elizabeth A. Lawrence AZ Bar #201537
DAVIS COWELL & BOWE LLP
2401 North Central Avenue 2nd Floor
Phoenix, Arizona 85004
Telephone: 800-622-0641
Fax: (602) 251-0459
Email: ajk@dcbsf.com
*Attorneys for Plaintiffs UFCW Local 99,
McLaughlin and Colbath*

Gerald Barrett (SB#: 005855)
WARD, KEENAN & BARRETT, P.C.
3838 N. Central Avenue, Suite 1720
Phoenix, AZ 85012
Tel: 602-279-1717
Fax: 602-279-8908
Email: gbarrett@wardkeenanbarrett.com
*Attorneys Plaintiffs UA Local 469
And McNally*

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

UNITED FOOD & COMMERCIAL
WORKERS LOCAL 99; et.al.,

Plaintiffs,

v.

JAN BREWER, in her capacity as Governor
of the State of Arizona; et.al.,

Defendants.

Case No.: 2:11-cv-921-PHX-SRB

**MOTION FOR PRELIMINARY
INJUNCTION, AND REQUEST FOR
RULE 16 CONFERENCE**

Pursuant to FRCP 65 (a), Plaintiffs, two Arizona based unions representing private sector employees, their respective chief executive officers and representative members respectfully request a preliminary injunction restraining defendants' enforcement of SB 1365 in its entirety, or at a minimum, as to Plaintiffs and their members covered by

1 existing contracts and by the National Labor Relations Act. This request is supported by a
2 memorandum filed this day.

3 Pursuant to FRCP 16 (a), Plaintiffs further request entry of an order providing for
4 a pretrial case management conference, at the Court's earliest convenience, to establish
5 (1) whether an evidentiary hearing is necessary and, if so, a date for such hearing¹; (2) a
6 briefing schedule; and (3) a date for oral argument. This request is made as SB 1365
7 formally becomes effective October 1, 2011, but will require substantial preparatory
8 efforts.

9 Respectfully submitted this 23rd day of May 2011.

10 DAVIS COWELL & BOWE

11 By: S/ANDREW J. KAHN

12 Andrew J. Kahn

13 Elizabeth A. Lawrence

14 *Attorneys for Plaintiffs UFCW Local 99,*

McLaughlin & Colbath

15 WARD KEENAN & BARRETT

16 By: S/GERALD BARRETT

17 Gerald Barrett #5835

18 *Attorneys for Plaintiffs UA Local 469, McNally*
19 *& Rothans*

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28 ¹ Plaintiffs believe the issues overwhelmingly are legal and hence no evidentiary hearing is needed.